***

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Revision No. 4948 of 2007
Date of decision: 27.9.2007

Smt. Sarla Som through her attorney Tej Pal Singh Raghav

...Petitioner

Versus

Radhey Lal and others **...Respondents**

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. G. K. Chawla, Advocate for the petitioner.

****

RAJESH BINDAL, J.

The challenge in the present petition is to the order dated July 26, 2007 passed by the learned Civil Judge (Senior Division), Gurgaon whereby evidence of the petitioner/plaintiff has been closed in a suit filed by her for specific performance with consequential relief of permanent injunction.

2. For the view I am taking in the present petition, I do not deem it appropriate to issue notice to the respondents as the same would unnecessarily delay not only disposal of the present petition but the suit as well.

3. Learned counsel for the petitioner/plaintiff submitted that a perusal of the various orders passed by the Court below show that she has not at all committed any lapse in not producing her evidence. Even on the last date of hearing, when the case was adjourned for July 26, 2007, cross-examination of PW-1 was concluded. PW-2 was also examined and three other witnesses, who were present in the Court could not be examined as the Court time was over. On the next date, three PWs were examined and the petitioner/plaintiff wanted to produce two more PWs, who according to the petitioner are material to prove this case, namely, registration clerk and the person from bank from whom the petitioner/plaintiff had arranged the loan. However, the opportunity was declined to her and the evidence was closed

***

by order of the Court. He further submitted that in case one opportunity is granted, she will complete her entire evidence on the date already fixed by the Court below though for the purpose of DWs.

4. Keeping in view the fact that the petitioner is a senior citizen. The case is also being pursued vigilantly without causing any unnecessary delay. Adjournments granted by the Court below is quite long. I deem it appropriate to grant one opportunity to the petitioner/plaintiff for completing her entire evidence on the date already fixed by the trial Court i.e. November 15, 2007. The same shall be subject to payment of Rs. 2000/- as costs to the respondents/defendants. The petitioner will be at liberty to take help of the Court to summon the witnesses. However, it is made clear that no further opportunity shall be granted to the petitioner-plaintiff in case, she fails to complete her evidence on the date fixed.

5. The revision petition is disposed of in the manner indicated above.

September 27, 2007 **(Rajesh Bindal)**
Pka **Judge**